

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SANTOS M. PEREZ,

Petitioner,

CASE NO. 06-CV-11183

v.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

BLAINE LAFLER,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR BOND**

This matter is before the Court on Petitioner's motion for bond. Petitioner, a Michigan prisoner, was convicted of third-degree criminal sexual conduct and fourth-degree criminal sexual conduct following a jury trial in the Genesee County Circuit Court in 2004. He was sentenced to concurrent terms of 30 to 180 months and 12 to 24 months imprisonment on those convictions.

The Sixth Circuit has stated that to receive bond pending a decision in a federal habeas case:

Prisoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of some circumstance making the motion for bail exceptional and deserving of special treatment in the interests of justice. There will be few occasions where a prisoner will meet this standard.

*Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993) (internal quotations and citations omitted).

Federal district courts may grant bail when granting the writ. *Sizemore v. District Ct.*, 735 F.2d 204, 208 (6th Cir. 1984). However, to grant bond prior to making a determination on the merits

is extraordinary. *See Moore v. Egeler*, 390 F. Supp. 205, 207 (E.D. Mich. 1975).

Petitioner asserts that he should be released upon bond pending resolution of the instant habeas petition because he does not pose a flight risk or danger to the community, he raises a substantial issue for review, and the victim's family supported his release at his most recent parole hearing. Having reviewed Petitioner's motion, the Court is not persuaded at this time that the interests of justice require release on bond pending resolution of this case. Petitioner's motion is therefore **DENIED**.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: January 25, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on January 25, 2007.

s/Denise Goodine  
Case Manager